

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Indiana [Mr. Ludlow].

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 16, not voting 171.

## § 7. Nonprivileged Appropriations—“Continuing” Appropriations

The right of the Committee on Appropriations to report at any time is confined strictly to general appropriation bills.<sup>(19)</sup> This section discusses the consideration of appropriations not falling within the category of general appropriation bills. For example, joint resolutions continuing appropriations pending enactment of general appropriation bills for the ensuing fiscal year are not “general” appropriation bills and therefore are not reported or called up as privileged.<sup>(20)</sup> Similarly, supplemental

appropriations for a single agency or department of government do not comprise a “general” appropriation bill, though bills making supplemental appropriations for diverse agencies are considered general appropriation bills.<sup>(1)</sup>

### *Use of Continuing Appropriations*

**§ 7.1 Where appropriations for certain operations of the Federal Government have remained unprovided for at the beginning of a fiscal year, through the failure of enactment of the supply bills customarily providing for such operations, a bill to extend appropriations for a limited time period for the same operations as those previously provided for, and under the same conditions, restrictions, and limitations has been considered by unanimous consent.**

On June 30, 1937,<sup>(2)</sup> the following actions took place in the

19. See the discussion at the beginning of § 6, *supra*; and the precedents in this section.

20. See *Procedure in the U.S. House of Representatives* Ch. 25 § 2.2 (4th ed.). See also 8 Cannon's Precedents § 2282, *et seq.* In 1981, rule XI clause 4, was amended to allow con-

tinuing appropriation bills to be reported as privileged after September 15 (H. Res. 5, 97th Cong.). Precedents arising under this new rule will appear in later volumes.

1. See § 7.4, *infra*.

2. 81 CONG. REC. 6611, 6612, 75th Cong. 1st Sess.

House prior to passage of H.R. 7726:

MR. [CLARENCE] CANNON of Missouri: Mr. Speaker, I call up . . . H.R. 7726 . . . and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

MR. [JOHN] TABER [of New York]: Mr. Speaker, reserving the right to object, as I understand it, the Senate has adjourned until tomorrow, so that it is absolutely impossible to have all the appropriation bills passed before the 1st of July. I have never known of this kind of a situation arising before.

THE SPEAKER: <sup>(3)</sup> Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That for defraying during the first half of the month of July 1937 all expenses of the necessary operations of the Federal Government, which, on July 1, 1937, remain unprovided with appropriations through the failure of enactment on or before such date of the supply bills customarily providing for such operations, there are hereby extended for and during such period all appropriations available for obligation for such expenses during the fiscal year ending June 30, 1937, in the same detail and under the same conditions, restrictions, and limitations as such appropriations were provided for on account of such fiscal year. . . .

MR. CANNON of Missouri: Mr. Speaker, the fiscal year ends at midnight tonight, and all departments for which supply bills have not been enacted by

that time are without authority to operate. They can spend no money; they cannot enter into contracts; they cannot employ assistants, rent quarters, buy supplies, or legally transact business of any character.

All of the supply bills have been enacted with the exception of two War Department bills and the Interior bill.

It is our hope that they will be ready, in the next day or two, but in the meantime, in order to provide for the maintenance of the War Department and the Interior Department, it is necessary to pass a continuing resolution.

This is the usual bill, prepared in the regular form, and has been submitted to, and approved by, the Comptroller and the Director of the Budget.

### ***Continuing Appropriations Not Privileged***

**§ 7.2 A joint resolution providing continuing appropriations for departments and agencies of government, to provide funds until the regular appropriation bills are enacted, is not a "general appropriation bill," and is not reported as privileged.**

Whereas general appropriation bills are normally called up as privileged, consideration of joint resolutions continuing appropriations is usually made in order by unanimous consent, since such resolutions are not reported as privileged. The following pro-

3. William B. Bankhead (Ala.).

ceedings<sup>(4)</sup> are illustrative of the manner in which bills providing for continuing appropriations for departments or agencies of government are made in order for consideration:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, September 27, or any day thereafter, for the House to consider a joint resolution making continuing appropriations.

THE SPEAKER:<sup>(5)</sup> Is there objection to the request of the gentleman from Texas?

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, reserving the right to object, I wish to address a parliamentary inquiry to the Chair.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BOW: Mr. Speaker, the parliamentary inquiry is this: Is a continuing resolution subject to amendment when it is brought onto the floor of the House, if the amendment is germane?

THE SPEAKER: The Chair will state that any germane amendment will be in order. It would have to be a germane amendment.

MR. BOW: I thank the Speaker, and I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, further reserving the right to object, I would assume the Speaker could add to that the statement: "If the gentleman is recognized for the purpose of offering an amendment."

Mr. Speaker, as a parliamentary inquiry is that not correct? . . .

THE SPEAKER: The Chair will state that the question answers itself. The answer would be yes, subject to the right of recognition, it is a question within the discretion of the Speaker. . . .

MR. MAHON: Mr. Speaker, this is the third continuing resolution to be considered by the House this year.

I would also say in this case, as in former cases, that the continuing resolution would be considered in the House under the 5-minute rule, and I assume any relevant amendment could be offered. . . .

MR. GROSS: . . . I assume the continuing resolution is for a month or is it for a longer period?

MR. MAHON: It would probably be for 1 month. The committee meets next week to consider the matter. We are pushing to get our bills through, but there are three appropriation bills which we have not been able to report. One of them is military construction; another is foreign assistance; both of these are awaiting authorization; another is the final supplemental which will include the poverty program for which authorization legislation has not been considered. There is other legislation to be worked on before the supplemental appropriation bill can be reported. . . .

MR. GROSS: Mr. Speaker, in view of the fact that the gentleman says the 5-

4. See 113 CONG. REC. 26370, 90th Cong. 1st Sess., Sept. 21, 1967. See also 8 Cannon's Precedents §§2282 et seq.

5. John W. McCormack (Mass.).

minute rule will prevail and that any germane amendments will be in order to the continuing resolution, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Texas [Mr. Mahon]?

There was no objection.

### ***Appropriation for Specific Purpose***

**§ 7.3 A joint resolution making an appropriation to a department for a specific purpose is not a “general” appropriation bill within the meaning of Rule XI clause 22 [now clause 4(a)] and is therefore not privileged for consideration when reported by the Committee on Appropriations. For this reason the Committee on Rules may provide for the immediate consideration of a special bill reported from the Committee on Appropriations.**

On Aug. 4, 1971,<sup>(6)</sup> the following proceedings took place in the House:

MR. [B. F.] SISK [of California]: Mr. Speaker, by direction of the Committee on Rules, I call up [House Resolution 577] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

6. 117 CONG. REC. 29384, 92d Cong. 1st Sess.

### **H. RES. 577**

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes. . . .

THE SPEAKER:<sup>(7)</sup> The gentleman from California (Mr. Sisk) is recognized for 1 hour.

MR. SISK: . . . Mr. Speaker, House Resolution 577 provides an open rule with 1 hour of debate on House Joint Resolution 833, which implements the emergency assistance Employment Act of 1971.

House Joint Resolution 833, being for a single purpose, is not regarded as a general appropriation bill. For this reason it was necessary to grant a rule providing for its consideration.

### ***Supplemental Appropriations***

**§ 7.4 A joint resolution making a supplemental appropriation for a single department of the government is not a “general appropriation bill,” and not reported as privileged, and is therefore brought up for consideration in a different manner.**

On Jan. 30, 1962,<sup>(8)</sup> a joint resolution was made in order by unanimous consent, as follows:

7. Carl Albert (Okla.).

8. 108 CONG. REC. 1149, 87th Cong. 2d Sess.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that a joint resolution providing appropriations for the Veterans' Administration may be in order for consideration tomorrow.

THE SPEAKER:<sup>(9)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

On the next day,<sup>(10)</sup> proceedings were as indicated below:

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, in accordance with the unanimous-consent agreement of yesterday, I call up the joint resolution (H.J. Res. 612) making supplemental appropriations for the Veterans' Administration for the fiscal year ending June 30, 1962, and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

The reference of the joint resolution to the Union Calendar was carried in the Record as follows:

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

MR. THOMAS: Committee on Appropriations. House Joint Resolution 612. Joint resolution making supplemental

appropriations for the Veterans' Administration for the fiscal year ending June 30, 1962, and for other purposes; without amendment (Rept. No. 1294). Referred to the Committee of the Whole House on the State of the Union.<sup>(11)</sup>

### ***Requests for Supplemental Appropriations***

**§ 7.5 The House has given unanimous consent to make in order "tomorrow, or on a subsequent day this week," consideration of a joint resolution providing supplemental appropriations for the Department of Defense, pursuant to a message from the President.**

On May 4, 1965,<sup>(12)</sup> the following proceedings occurred in the House:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that it may be in order tomorrow, or on a subsequent day this week, to consider a House joint resolution making

**11.** Note: Proposals for supplemental appropriations, normally requested by a communication from the President (31 USC §14) are sometimes requested by message. The usual practice is for the President to transmit letters requesting such appropriations to the Speaker, who refers them to the Committee on Appropriations and orders them printed.

**12.** 111 CONG. REC. 9390, 89th Cong. 1st Sess.

**9.** John W. McCormack (Mass.).

**10.** 108 CONG. REC. 1352, 1385, 87th Cong. 2d Sess, Jan. 31, 1962.

a supplemental appropriation for the Department of Defense.

THE SPEAKER:<sup>(13)</sup> Is there objection to the request of the gentleman from Texas?

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, reserving the right to object, it is my understanding that the message from the President of the United States which has been just submitted will satisfy the Budget and Accounting Act as far as a budget estimate is concerned.

MR. MAHON: Mr. Speaker, if the gentleman will yield, that is certainly my opinion, and I am sure the gentleman is correct. This is a request for \$700 million by the President. It follows one of the procedures used by the Executive in submitting budget estimates and I consider this, and I am sure the gentleman does, a budget request from the President.

MR. LAIRD: I would like to state to the gentleman from Texas [Mr. Mahon] that it was my understanding yesterday that before we considered this we would have a budget estimate. I wholeheartedly support the principle of following the regular procedure in seeing that these funds are appropriated, and if this satisfies the Budget and Accounting Act, I certainly would have no objection to its being considered either tomorrow or the next day.

Mr. Speaker, I withdraw my reservation of objection.

### ***Bill Reducing Appropriations***

#### **§ 7.6 A bill reported from the Committee on Appropriations**

13. John W. McCormack (Mass.).

**tions reducing certain appropriations and contract authorizations available for fiscal 1946 was held not to be a general appropriation bill and a germane amendment rescinding appropriations was permitted.**

On Oct. 19, 1945,<sup>(14)</sup> a bill<sup>(15)</sup> as described above was under consideration. The bill contained a paragraph appropriating money for grants to states for unemployment compensation benefits and related expenses. During consideration of the bill, an amendment was offered, and a point of order made against the amendment. During the ensuing debate on a point of order, a question arose as to the nature of the bill. The proceedings were as follows:

The Clerk read as follows: . . .

#### **SOCIAL SECURITY BOARD**

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1946, for grants to States for administration of unemployment compensation and employment service facilities operated in conjunction therewith, as authorized in title III of the Social Security Act, approved August 14, 1935, as amended, \$30,000,000, which shall be in addition to the amounts appropriated for such purposes in title II

14. 91 CONG. REC. 9851, 79th Cong. 1st Sess.

15. H.R. 4407.

of the Labor-Federal Security Appropriation Act, 1946.

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCormack: On page 8, line 10, after the period, strike out lines 11 through 20 and insert the following:

"On July 1, 1946, any unobligated balance of the appropriation made in the first paragraph under the heading 'Employment Office Facilities and Services' in title VII of the Labor-Federal Appropriation Act, 1946, shall be carried to the surplus fund and covered into the Treasury, and after June 30, 1946, appropriations shall be made only for grants to States for administration of unemployment compensation and employment service facilities as authorized in title III of the Social Security Act, approved August 11, 1935, as amended, and in the act of June 6, 1933, as amended, known as the Wagner-Peyser Act." . . .

MR. [EVERETT M.] DIRKSEN [of Illinois]: Mr. Chairman, I make the point of order that the amendment is not germane, that it is legislative in character.

THE CHAIRMAN: <sup>(16)</sup> In the opinion of the Chair, the amendment is obviously germane. It relates to the same subject as specified in the bill.

MR. [FRANCIS H.] CASE of [South Dakota]: Mr. Chairman, I make an additional point of order. If I understood the amendment correctly, it makes an appropriation. Has this bill not been regarded as a legislative bill?

THE CHAIRMAN: The paragraph under consideration makes an appropriation of \$30,000,000.

MR. [JOHN] TABER [of New York]: Mr. Chairman, this, to my mind, is the situation: The amendment is a rescission. The paragraph which is made in order under the rule is an appropriation; therefore the amendment is not in order.

THE CHAIRMAN: In the opinion of the Chair, the amendment offered is germane to the paragraph which deals with appropriations for this purpose. The amendment offered also deals with appropriations for the same purpose. In the opinion of the Chair the amendment offered by the gentleman from Massachusetts is clearly germane and the Chair overrules the point of order. . . .

MR. CASE of South Dakota: Has the Chair ruled at any time whether this is an appropriation bill or a legislative bill?

THE CHAIRMAN: The Chair does not have to rule upon that question. This is a question with reference to rescission of funds and incidentally involves appropriations, as does this particular paragraph. The Chair, in a bill of this character, which is not a general appropriation bill, is simply called upon to pass upon the question of germaneness. . . .

MR. CASE of South Dakota: I do not question the germaneness, but I heard the bill referred to as a legislative bill, and if it is interpreted as a legislative bill, the amendment making an appropriation, of course, would not be in order.

THE CHAIRMAN: This certainly is not a general appropriation bill but a bill with reference to rescission of appropriations. The only question which could occur from a parliamentary

16. Fritz G. Lanham (Tex.).

standpoint would be the question of germaneness. . . . The Chair overruled the point of order. . . .

MR. [JOHN E.] RANKIN [of Mississippi]: As a matter of fact, the rule waiving points of order would apply to any point of order that an amendment was legislation on an appropriation bill.

THE CHAIRMAN: The Chair is not at all passing upon that question. . . .

MR. CASE of South Dakota: Mr. Chairman, since that question has been raised, may we have a ruling on the question whether or not the rule waives points of order as against amendments or merely waives points of order against the contents of the bill?

THE CHAIRMAN: The Chair is called upon to rule only upon the point of order made and cannot rule upon other points of order not pertinent to the pending amendment. The Chair has overruled the point of order.<sup>(17)</sup>

## § 8. Consideration Made in Order by Special Rule or Unanimous Consent

### *Special Orders*

#### § 8.1 The form of a modified closed rule reported from the

17. *Parliamentarian's Note*: A special rule (see 91 CONG. REC. 9813, 79th Cong. 1st Sess., Oct. 18, 1945) had provided that the above bill be considered for amendment by appropriation titles. Appropriation bills are, of course, generally read for amendment by paragraphs. See §§ 11.8–11.10, *infra*.

### **Committee on Rules making in order consideration of a joint resolution providing temporary appropriations, fixing debate, and limiting amendments to those offered by direction of the Committee on Appropriations.**

On June 28, 1951,<sup>(18)</sup> a resolution was called up as follows:

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, I call up House Resolution 287 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 277) making temporary appropriations for the fiscal year 1952, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment. No amendment shall be in order to said joint resolution except amendments offered by the direction of the Committee on Appropriations. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the pre-

18. 97 CONG. REC. 7408, 82d Cong. 1st Sess.